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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,120	08/14/2001	Ken Hanscom	Q00-1027-US1 / 11198.70	9955
66943	7590	11/01/2010		
James P. Broder Roeder & Broder LLP 9915 Mira Mesa Blvd. Suite 300 San Diego, CA 92131			EXAMINER RIVERA, WILLIAM ARAUZ	
			ART UNIT	PAPER NUMBER
			3654	
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			11/01/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/930,120	<b>Applicant(s)</b> HANSCOM, KEN	
	<b>Examiner</b> William A. Rivera	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-29,34 and 36-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-29,34 and 36-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

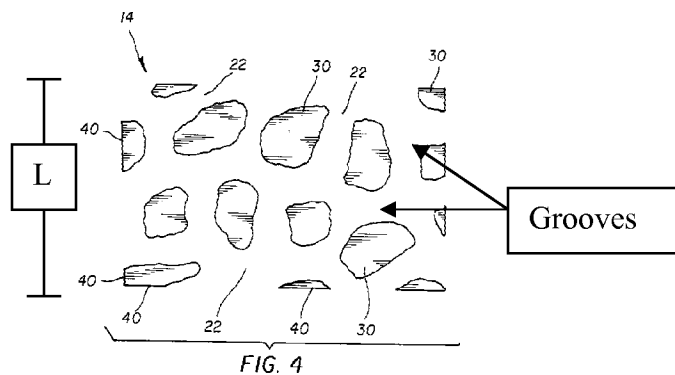
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

—  
A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-15, 20-21 and 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Stewart et al (U.S. Patent No. 6,142,409).

With respect to Claims 14-15 and 20-21 Stewart et al, Figure 1, teaches a guide assembly 10, the guide assembly comprising: a rotatable first roller 14 including a perimeter surface, a circumference, a longitudinal axis and a plurality of discontinuous grooves (space between plateau 30) disposed into the perimeter surface, one of the grooves having a groove depth that varies along a length “L” of the groove (see below).

With respect to Claims 26-29, the method described in these claims would inherently result from the use of the guide roller of Stewart et al as advanced above.



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-19, 22-23, 25-27, 34, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al as applied to claims 14-15, 20-21, and 26-29 above.

With respect to Claims 16-19, 23, 25-27, 34, and 39-40, Stewart et al are advanced above. Stewart et al do not mention the particular dimensions of the grooves. However, it would have been obvious to one of ordinary skill in the art, as determined through routine experimentation and optimization, to dimension the grooves of Stewart et al as specified in Claims 16-19, 23, 25, 34, and 39 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

With respect to Claim 22, Stewart et al do mention a second roller. However, it would have been obvious to one of ordinary skill in the art to provide a second roller since it has been held that mere duplication of elements of a device involves only routine skill in the art.

With respect to Claims 26-29, the method described in these claims would inherently result from the use of the guide roller of Stewart et al as advanced above.

Claims 24, 34 and 36-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saliba et al in view of Stewart et al.

With respect to Claims 24, 34 and 39-41, Saliba et al, Figure 1, teaches a tape drive 100 including a take-up reel 300 and a head assembly 104, the guide assembly comprising a rotatable

first roller 102 including a perimeter surface, a circumference, a longitudinal axis. Saliba et al teach all the elements of the guide roller except for a groove. However, Stewart et al, Figures 1-5, teach a groove disposed into the perimeter surface, the groove having a groove length that is less than the circumference. It would have been obvious to one of ordinary skill in the art to provide Saliba et al with a groove on the guide roller, as taught by Stewart et al, for the purpose of controlling dynamic air entrainment between the roller surface and the magnetic tape. Stewart et al do not mention the particular dimensions of the grooves. However, it would have been obvious to one of ordinary skill in the art, as determined through routine experimentation and optimization, to dimension the grooves of Stewart et al as specified in Claim 34 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

With respect to Claims 36-38 and 42, the method described in these claims would inherently result from the use of the tape drive with guide rollers of Saliba et al in view of Stewart et al as advanced above.

### ***Response to Arguments***

Applicant's arguments with respect to claims 14-29, 34, and 36-42 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the instant case, the Stewart et al reference reads on the claims because the limitations are unclear as to what constitutes "a length of the groove". Note that in Figure 4, as shown above, if one were to draw a straight line around a portion of the circumference of Stewart, the depth of the grooves of Stewart would vary, i.e., the groove does not necessarily have to be a straight line. The groove could be "S" shaped. Thus, what is the length? Is the

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length measured by following the contours of the “S” shaped groove or could one draw a straight line from top to bottom as if one were to measure just the height? Further, as shown in Figure 3, and column 3, lines 20-23 and column 4, lines 28-35, of Stewart describes grooves/channels 22 with “well rounded” peripheral surfaces. Therefore, a cross section in any direction through the grooves/channels has the well rounded features at both ends. Since the length of the groove/channel is the length measured from edge-to-edge at the surface 30, the groove depth therefore varies along the length of the groove. The “substantially uniform depth” mentioned is logically referring to the deepest points of all the grooves being of the same depth. Thus, as shown, there are two ways in which the Stewart reference may be interpreted in such a way that it reads on the claims as set forth.

ConclusionAny inquiry concerning this communication or earlier communications from the examiner should be directed to William A. Rivera whose telephone number is 571-272-6953. The examiner can normally be reached on Monday to Friday - 10:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Michael R. Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William A Rivera/  
Primary Examiner, Art Unit 3654

October 27, 2010